

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : Dr. Frank Shallenberger
For: METHOD FOR ANALYZING THE BIOLOGICAL AGE OF A SUBJECT
Serial No.: New
Filed: April 12, 2004
Art Unit: Unassigned
Examiner: Unassigned
Attorney Docket No.: DFS 3001.01

Assistant Commissioner for Patents
Washington, D.C. 20231

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

This Information Disclosure Statement is submitted:

- under 37 CFR 1.97(b), or
(Within three months of filing national application; or date of entry of international application; or before mailing date of first office action on the merits; whichever occurs last)
- under 37 CFR 1.97(c) together with either a:
 Certification under 37 CFR 1.97(e), or
 a \$180.00 fee under 37 CFR 1.17(p), or
(After the CFR 1.97(b) time period, but before final action or notice of allowance, whichever occurs first)
- under 37 CFR 1.97(d) together with a:
 Certification under 37 CFR 1.97(e), and
 a petition under 37 CFR 1.97(d)(2)(ii), and
 a \$180.00 petition fee set forth in 37 CFR 1.17(i)(1).
(Filed after final action or notice of allowance, whichever occurs first, but before payment of the issue fee)

Application No.: New
Attorney Docket No.: DFS 3001.01

X Applicant submits herewith Form PTO/SB/08A Information Disclosure Statement by Applicant together with copies, of patents, publications or other information of which applicant is aware, which applicant believes may be material to the examination of this application and for which there may be a duty to disclose in accordance with 37 CFR 1.56.

The relevance of the attached references is that this is the closest art of which Applicant is aware.

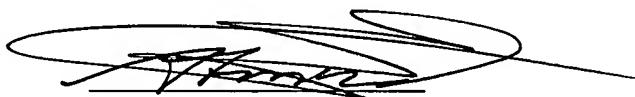
Applicant submits that the above references taken alone or in combination neither anticipate nor render obvious the present invention. Consideration of the foregoing in relation to this application is respectfully requested.

It is requested that the information disclosed herein be made of record in this application.

In the event that the fees submitted prove to be insufficient in connection with the filing of this paper, please charge our Deposit Account Number 50-0578 and please credit any excess fees to such Deposit Account.

Respectfully submitted,
KRAMER & AMADO, P.C.

Date: 4/12/2004



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Substitute for form 1449/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet 1 of 3

Complete if Known

Application Number	New
Filing Date	April 12, 2004
First Named Inventor	Dr. Frank Shallenberger
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Examiner Name	Unassigned
Attorney Docket Number	DFS 3001.01

U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
1	US- 5,639,471		06/17/1997	Chait	
2	US- 5,660,176		08/26/1997	Illi	
3	US- 5,705,735		01/06/1998	Acorn	
4	US- 5,810,722		09/22/1998	Heikkilä	
5	US- 5,860,918		01/19/1999	Schradi	
6	US- 5,954,640		09/21/1999	Szabo	
7	US- 5,989,188		11/23/1999	Birkhoelzer	
8	US- 6,074,345		06/13/2000	Van Oostrom	
9	US- 6,126,595		10/03/2000	Amano	
10	US- 6,159,131		12/12/2000	Pfeffer	
11	US- 6,277,072		08/21/2001	Bardy	
12	US- 6,280,380		08/28/2001	Bardy	
13	US- 6,478,736		11/12/2002	Mault	
14	US- 6,500,117		12/31/2002	Hancock	
15	US- 6,510,430		01/21/2003	Oberwager	
16	US- 6,547,729		04/15/2003	Abbo	
17	US- 6,554,776		04/29/2003	Snow	
18	US- 6,605,038		08/12/2003	Teller	
19	US- 6,620,078		09/16/2003	Pfeffer	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				

Examiner Signature

Date Considered

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This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>		Application Number	New
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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First Named Inventor

Dr. Frank Shallenberger

Art Unit

Unassigned

Examiner Name

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Attorney Docket Number

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NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	27	PAZ, Cerezo M., et al., Influence of Energy Expenditure on Childhood Obesity, Unidad de Gastroenterologia y Nutricion Pediatrica, 58(4), 316-21, April 2003	
	28	LI, J., et al., Influence of Body Fat Distribution on Oxygen Uptake and Pulmonary Performance in Morbidly Obese Females During Exercise, Respirology, 6(1), 9-13, March 2001	
	29	MOON, Jon K, et al., Combined Heart Rate and Activity Improve Estimates of Oxygen Consumption and Carbon Dioxide Production Rates, Journal of Applied Physiology, 81(4), 1754-61, October 1996	
	30	SCHOELLER, Dale A., Balancing Energy Expenditure and Body Weight, American Journal of Clinical Nutrition, 68(4), 956S-961S, October 1998	
	31	Bursting With Energy, http://www.burstingwithenergy.com	

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